

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has amended claims 3-6, 9-12, 15-16, 18, 20 and added new claims 21 and 22. Therefore, claims 1-22 are now pending in the application. Applicant respectfully submits that no new matter is added and traverses all the rejections.

Objections - Specification

The Examiner objects to the specification (See Office Action: page 2). That is, the Examiner asserts that there is an improper incorporation of essential material in the specification by reference to a foreign application. The Examiner also states that the specification is not in proper idiomatic English and requires a substitute specification.

First, with respect to the Examiner's assertion that there is an improper incorporation of essential material in the specification, Applicant respectfully submits that the incorporation of the Japanese unexamined patent publication JP2001-332064 takes place in the context of describing the conventional recording-medium cartridge, and as such, is pertinent to the *background* of the invention (See Specification: page 1, line 25 - page 2, line 2, "As an example of these kinds of the recording-medium cartridge disclosed in Japanese unexamined patent publication JP2001-332064 can be cited."). Therefore, Applicant respectfully submits that such incorporation in the current specification is *incidental* to the description of the conventional art in providing the background of the invention, and therefore, does not amount to an improper incorporation of "essential material," as asserted by the Examiner.

Second, with respect to the Examiner's statement that the specification is not in proper idiomatic English, Applicant hereby amends the specification. Applicant respectfully submits that no impermissible new matter is added and that the amendment to the specification is merely editorial in nature.

Claim Objections

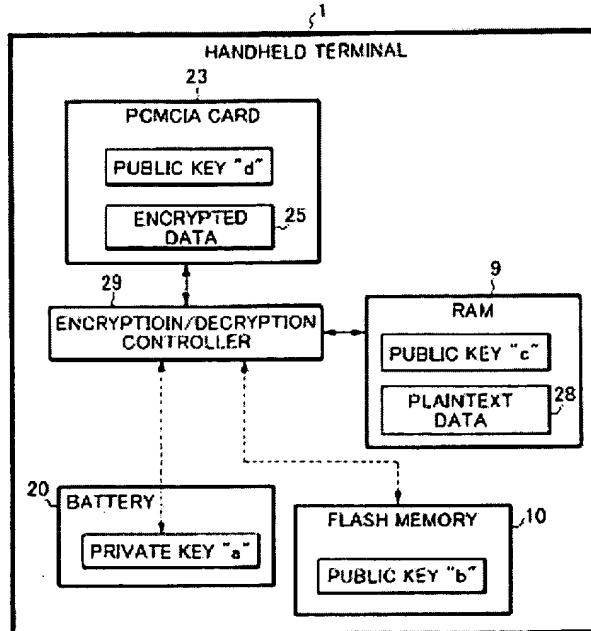
Claims 3-6, 9-12, 15, 16, 18 and 20 are objected to for failing to further limit the subject matter of a previous claim. Applicant hereby amends claims 3-6, 9-12, 15, 16, 18 and 20. Applicant respectfully submits that the amended claims define subject matter in relation to previously recited subject matter in a manner permissible by MPEP § 608.01 (n) (III).

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 7, 9, 13, 15 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (U.S Patent Application No. 2003/0074572; "Hayashi") in view of Riches et al. (U.S Patent Application No. 2002/0035695; "Riches"). Applicant respectfully submits that the Examiner's rejections are deficient based on the following three points.

First, the primary reference Hayashi fails to teach or suggest a "recording-medium cartridge which stores a recording-medium and a cartridge memory, wherein the cartridge memory... is *detachably attached to the recording-medium cartridge*," as recited in claim 1. That is, the Examiner cites the PCMIA card 23 as teaching the "recording medium cartridge" and the battery 20 as teaching the claimed "cartridge memory." However, as shown below in Fig. 2

FIG.2 "Hayashi"



of Hayashi, the battery 20 is altogether distinct and separate from the PCMCIA card 23.

Applicant respectfully submits that the battery 20 is at best connected to the encryption/decryption controller 29, and therefore, altogether fails to teach or suggest "wherein the cartridge memory... is *detachably attached to the recording-medium cartridge*," as recited in claim 1.

Second, the cited secondary reference Riches fails to teach or suggest "a CRC-code, which is generated *based on the cryptographic key and data to be recorded* on the recording-medium, in the condition that the CRC-code is correlated with the data." That is, while Riches states that the signatures 12 associated with a particular data set recorded on the storage medium may be CRC codes, Riches does *not* teach that such signatures are generated "based on the cryptographic key and data to be recorded on the recording-medium," as recited in claim 1 (See Riches: page 3, [0086]). There is simply no teaching or suggestion that the signatures described

in Riches are generated based on a cryptographic key and data to be recorded. Moreover, to the extent the CRC-code is generated, any corresponding signature is based on the *data*, and the signature is not further based on any encryption key.

Third, Applicant respectfully submits that one ordinarily skilled in the art at the time of the invention would not have been motivated to combine Hayashi with Riches in the manner suggested by the Examiner. That is, the Examiner states in a simple conclusory manner that “[b]ecause there is a need for such stored data¹ to be protected against unauthorized amendments, additions or general tampering, it would be clear to one of ordinary skill in the art to replace the associated memory device (3) of Riches with a removable (detachably attached) storage device such as the *detachable memory* [emphasis added] 20-3 of Hayashi which minimizes a risk that the private key is analyzed and a risk that encrypted data held in an equipment is decrypted using the private key” (See Office Action: pages 3-4). Applicant respectfully submits that there is no teaching, suggestion or motivation found in Hayashi or Riches that would have led one ordinarily skilled in the art to replace the memory device 3 of Riches with the flash memory 20-3 of Hayashi. Further, Applicant respectfully submits that there is no disclosure in Hayashi that the flash memory 20-3 is “detachable” and hence be “removable”, as asserted by the Examiner.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentable over Hayashi in view of Riches. Applicant respectfully submits that claim 3 is patentable based on the rationale analogous to those mentioned with respect to claim 1. Further, Applicant

¹ That is, the data stored in the tape data storage 4 having an associated memory device 3, as shown in Fig. 1 of Riches.

respectfully submits that claims 7, 9, 13, 15 and 17-20 are patentable by virtue of their dependency from claims 1 or 3.

Allowable Subject Matter

Applicant appreciates the indication that claims 2, 8 and 14 would be allowable if rewritten in independent form. However, Applicant respectfully submits that a broader scope of the invention is patentable in view of the art of record. Applicant respectfully submits that claims 2, 8 and 14 are patentable by virtue of their dependency from claim 1.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 21 and 22.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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